

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kenneth J. Roach, # 283585,
aka Kenneth Jerome Roach,

Plaintiff,

vs.

Mr. Day, Employee, Food Service Worker,

Defendant.

) C/A No. 8:09-2155-CMC-BHH

)

)

)

)

)

)

)

)

)

Order

This is a civil action filed by a state prisoner. It is currently before the undersigned magistrate judge for review following the submission by Defendant Day of a pro se Answer. (Entry 37). Review of the Answer discloses that Defendant Day did not attach a certificate of service to his pleading as required by Federal Rule of Civil Procedure 5(d)(1).

The Court mailed a copy of the Answer to Plaintiff in order to keep this case progressing; however, it will not continue to perform the service obligations of either Defendant or Plaintiff throughout this case. Under Federal Rule of Civil Procedure 5, it is the party's personal obligation to serve documents on all other parties or their attorneys, and the Court must be informed of such service through the attachment of a certificate of service to any document submitted for filing.

TO PLAINTIFF AND DEFENDANT:

Under Federal Rule of Civil Procedure 5(d)(1), after service of the Complaint or other initial pleading, all parties must be served with any document submitted by any other party for filing, and a certificate of service must be attached to all documents hereafter submitted to the Court by any party for filing in this case. The certificate of service must inform the Court that the document was served on all parties in the case.

If any party is appearing *pro se* (without attorney representation) in the case, the document must be served on that party, and the certificate of service must inform the Court that the party, himself or herself, was served. If any party is represented by an attorney, service should be made on that attorney, and the certificate of service must inform the Court that the attorney was served.

A certificate of service, in general, must contain the names of all parties and the case number, and must state who was served, what document was served, and how the document was served. It must be signed and dated by the person serving the document. **A sample certificate of service may be found on page 15 of the current version of this Court's *Pro se Guide*.**

From this point forward, no document will be accepted for filing in this case by either Plaintiff or Defendant unless it contains the required certificate of service showing that it was served on the opposing party. If, in the future, either Plaintiff or Defendant submits any document for filing in this case without attaching the required certificate of service, that document will be returned, unfiled, by the Clerk of Court to the party submitted it.

TO THE CLERK OF COURT:

The Clerk of Court is directed to mail a copy of the Court's *Pro se Guide* to Plaintiff and to Defendant.

IT IS SO ORDERED.

s/Bruce Howe Hendricks
United States Magistrate Judge

May 5, 2010
Greenville, South Carolina